

SENATE BILL 1392  
By McNally

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51,  
Part 1, relative to annexation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 51, Part 1, is amended by  
adding the following language as a new, appropriately designated section:

After the effective date of this act, all annexation by ordinance upon the  
initiative of the municipality, adopted pursuant to Section 6-51-102, shall comply with  
the following requirements:

(1) Before July 1, 1995, and periodically thereafter, a municipality  
planning to extend its corporate limits through annexation by ordinance upon its  
own initiative must first, by resolution of its governing body, adopt a two (2) year  
comprehensive plan for all such annexation. The comprehensive plan, if not  
amended, shall be valid for a period of two (2) years following its adoption. The  
municipal governing body may amend its comprehensive plan from time to time  
in the same manner as the initial adoption. An amendment to such plan shall  
have the effect of extending the duration of the plan for two (2) years.

(2) The municipality shall not annex by ordinance upon its own initiative  
without first adopting the comprehensive plan; nor shall the municipality annex  
by ordinance upon its own initiative any territory which is not properly identified  
within the comprehensive plan. An annexation by ordinance of territory

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included in the comprehensive plan, or an amendment thereto, shall not become effective until one hundred twenty (120) days after the publication of notice of the comprehensive plan, or an amendment to the plan. The municipality shall make copies of its comprehensive plan available to the public for reference as provided in this section on the first date of publication of the public notice.

(3) The municipality shall publish notice of the comprehensive plan in a newspaper of general circulation in the areas proposed for annexation within the comprehensive plan at least once in each of two (2) successive weeks after the adoption of the plan. The notice shall include the locations where citizens may read the plan or obtain a copy of the plan. The municipality shall make available a copy of the plan for reference in the municipal building and in each public library in the county where the municipality is located, and the municipality may make a copy available in other places. The municipality shall make available for purchase by the public at the municipal building or such other public place as the municipality may provide a copy of the plan. The price of the plan may not exceed the cost of printing the plan.

(4) The comprehensive plan of annexation by the municipality shall include, but not be limited to, the following:

(A) A description of the areas within the territory planned to be annexed in terms familiar to the general public, including a listing of county map and parcel number for each tract of property with cross reference to the general descriptions;

(B) A schedule of annexation for parcels of property which includes the calendar quarter of the year in which the parcels are proposed to be annexed;

(C) An estimate of the annual municipal property tax revenues anticipated for each of the two (2) years after the annexation of the areas, (the estimate of revenues shall include separately the anticipated property tax revenues for the proposed annexed areas for each of the two (2) years of the plan);

(D) An estimate of the amount of increase in sales tax revenues and other revenues anticipated as a result of the annexation for each of the two (2) years after the annexation of the areas;

(E) An estimate of the cost of providing services for each of the areas and the revenues by source allocated for the cost of the services, (services and costs shall be separately listed, and the estimates shall include both operating costs and capital improvement costs); and

(F) The cover of the comprehensive plan shall contain the following information:

(i) The date of the adoption of the plan by the municipal governing body;

(ii) The date of publication of the first public notice; and

(iii) The two (2) year period covered by the plan.

(4) If the municipality annexes by ordinance upon its own initiative any territory that is not correctly identified in a comprehensive plan as provided in this section or if the municipality annexes by ordinance upon its own initiative without a valid comprehensive plan, an owner of property within the improperly proposed area of annexation has standing in court to challenge the municipal action. Such owner of property may file a complaint seeking an injunction of the municipality's annexation of such property. Such owner of property shall file the complaint within thirty (30) days after adoption of the annexation ordinance. The rights

granted by this section do not impair or diminish the rights of an aggrieved owner of property to file a suit in the nature of a quo warranto proceeding.

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

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